



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Planning Administrator,
Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Vanessa N. Kent, Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**

- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0316 Matoaca	Alltel	Substantial Accord Determination	Alltel Co-location Commonwealth Center

- G. **Discussion of Subdivision Ordinance Amendment relative to Standards for Paving of Streets and Acceptance into the State System.**
- H. **Proposed Ordinance Amendment relative to Setbacks in Industrial Districts from Other Zoning Districts.**
- I. **Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended the agenda to add the following new items: Item D., Review of Day's Agenda for the April 21, 2005, Planning Commission meeting; Item J., Connectivity Policy; and Item K., Discussion of Board of Supervisors Timeframe for Deferral of Zoning Cases in the Upper Swift Creek Area; and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the May 17th, June 21st, July 19th and August 16th, 2005, Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Mr. Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to be considered at the 3:00 p. m. Afternoon Session.

Ms. Carter presented an overview of, and staff's recommendation for, the draft Chester Plan Amendment scheduled for public hearing at the 7:00 p. m. Evening Session.

Mr. Janosik presented an overview of, and staff's recommendation for, the proposed Ordinance Amendment relative to home occupations, scheduled for public hearing at the 7:00 p. m. Evening Session.

Mr. Tompkins presented an overview of, and staff's recommendation for, the proposed Ordinance Amendments relative to offsite directional signs and the proposed Subdivision Ordinance Amendment relative to Section 17-5, scheduled for public hearing at the 7:00 p. m. Evening Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. REVIEW OF DAY'S AGENDA FOR THE APRIL 21, 2005, PLANNING COMMISSION MEETING.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session of the April 21, 2005, Planning Commission meeting.

Upon conclusion of discussion relative to Cases 05SN0210, Wal-Mart Supercenter #2808; 05SN0211, Wal-Mart Supercenter #1524; and 05SN0212, Wal-Mart Supercenter #1969, the Commission requested staff provide draft Ordinance language relative to check cashing requirements for discussion at the May 17, 2005, Planning Commission Work Session.

Mr. Larson presented an overview of, and staff's recommendation, relative to the proposed amendments to the Public Facilities Plan, scheduled for public hearing on April 21, 2005 at the 7:00 p. m. Evening Session.

E. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Mr. Turner referenced the draft memo prepared for the Commission to forward to the Board of Supervisors concerning the schedule for pending drafts of the Chester, Upper Swift Creek and Northern Area Plans.

It was the consensus of the Commission that the schedule for pending Comprehensive Plan Amendments be forwarded to the Board of Supervisors.

F. WORK PROGRAM.

Mr. Turner advised the Commission that Mr. Stan Newcomb of the County Transportation Department was the new project manager/contact for the Sidewalk Policy Revisions project listed on the Work Program.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their May 2005 Work Program, as outlined by Mr. Turner.

G. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0316 Matoaca	Alltel	Substantial Accord Determination	Alltel Co-location Commonwealth Center

Mr. Bass stated he was a retired employee of Virginia Dominion Power, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 2:03 p. m.

Ms. Rogers presented an overview of the request and staff's recommendation.

No one came forward in support of, or opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission confirmed the decision of the Director of Planning that the proposed facility (communications tower) was consistent with the Comprehensive Plan.

AYES: Messrs. Litton, Wilson, Gulley and Gecker.

ABSENT: Mr. Bass.

Mr. Bass returned to the meeting at approximately 2:05 p. m.

H. DISCUSSION OF SUBDIVISION ORDINANCE AMENDMENT RELATIVE TO STANDARDS FOR PAVING OF STREETS AND ACCEPTANCE INTO THE STATE SYSTEM.

Mr. McElfish presented a summary of the Subdivision Ordinance Amendment relative to allow developers the option of obtaining 100% of building permits prior to State acceptance if a bond for 125% of the cost were posted at time of recordation.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission set the date of, and requested staff advertise, May 17, 2005, at 7:00 p. m., for a public hearing to consider a Subdivision Ordinance Amendment to allow developers the option of obtaining 100% of building permits prior to State acceptance if a bond for 125% of the cost were posted at time of recordation.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

I. PROPOSED ORDINANCE AMENDMENT RELATIVE TO SETBACKS IN INDUSTRIAL DISTRICTS FROM OTHER ZONING DISTRICTS.

Mr. Allen presented an overview of, and staff's recommendation for, a proposed Ordinance Amendment relative to setbacks in Industrial Districts from other zoning districts.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission set the date of, and requested staff advertise, May 17, 2005, at 7:00 p. m., for a public hearing to consider Ordinance Amendments relative to setbacks and buffers from other zoning districts.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

J. CONNECTIVITY POLICY.

Mr. Turner noted the Board of Supervisors, at their April 13, 2005, meeting adopted amendments to the Connectivity Policy, which he briefly described.

K. DISCUSSION OF THE BOARD OF SUPERVISORS TIMEFRAME FOR DEFERRAL OF ZONING CASES IN THE UPPER SWIFT CREEK AREA.

There was discussion relative to action taken by the Board of Supervisors in February 2004 regarding deferral of zoning requests for a period of one (1) year if filed after February 10, 2004; whether or not the Board's policy was applicable to the Commission; and other issues of concern.

L. ADJOURNMENT.

There being no further business to discuss, it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission adjourned the Work Session at approximately 2:32 p.m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the March 15, 2005, Planning Commission regularly scheduled meeting minutes, as well as the March 15, 2005, Joint Planning Commission/Historic Preservation Committee Meeting minutes.

◆ **MARCH 15, 2005 PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to approve the March 15, 2005, Planning Commission regularly scheduled meeting minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **MARCH 15, 2005 JOINT PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE MEETING MINUTES.**

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to approve the March 15, 2005, Joint Planning Commission/Historic Preservation Committee Meeting minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **WITHDRAWAL - SCHEMATIC PLAN.**

05PS0306: In Midlothian Magisterial District, **PENCE NISSAN** withdrew amendment to approved schematic architectural elevations for a building renovation. This project is commonly known as **PENCE NISSAN/SUBARU/KIA**. This request lies in a Community Business (C-3) District on a 13.22 acre parcel fronting approximately 550 feet on the south line of Midlothian Turnpike, also fronting approximately 630 feet on Murray Olds Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 738-707-4891 (Sheet 6).

No one came forward to represent the request.

Staff noted documentation in the file requesting withdrawal of the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission acknowledged withdrawal of Case 05PS0306, Pence Nissan (Pence Nissan/Subaru/Kia).

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **DEFERRAL REQUEST BY APPLICANT - SITE PLAN.**

00PR0149: In Bermuda Magisterial District, **LAVERNE C. COLE** requested deferral to July 19, 2005, of consideration for Planning Commission approval of a site plan for an approximately 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. LaVerne Cole, the applicant, requested deferral of Case 00PR0149, LaVerne C. Cole (Cole C'Store) to the July 19, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 00PR0149, LaVerne C. Cole (Cole C'Store), to the July 19, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **DEFERRAL REQUEST BY STAFF - SCHEMATIC PLAN.**

05PS0144: (Amended) In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested deferral to May 17, 2005, of consideration for schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 748.3 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-694-Part of 0343 and 8763; 726-695-Part of 0706, 3178 and 7906; 726-697-4349; 727-698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Mr. John V. Cogbill, III, the applicant's representative, requested deferral of Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to the May 17, 2005, Planning Commission meeting.

In response to questions from Mr. Bass, Mr. Cogbill restated his request for deferral to the May 17, 2005, Planning Commission meeting but indicated he would be willing to request an additional thirty (30) day deferral at that time, if necessary.

Mr. Gulley indicated he felt more than a thirty (30) day deferral was necessary so the Brandermill community, which would be dramatically affected by the proposal, could be included in the discussion.

Ms. Rogers noted the deadline for completion of staff's "Request Analyses" for the May meeting was April 29, 2005 and that a period longer than thirty (30) days was needed to resolve the outstanding issues.

Messrs. Bass and Cogbill stated they would be available to meet within the next eight (8) days to discuss the proposal.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to the May 17, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT - ARCHITECTURAL PLAN, SCHEMATIC PLAN AND DEVELOPMENT STANDARDS WAIVER.**

05PR0268: In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT CORPORATION** requested Planning Commission approval for architecture, as required by zoning Case 83SN0141. This project is commonly known as **MIDLOTHIAN VILLAGE SQUARE**. This request lies in a Community Business (C-3) District on an 8.2 acre parcel fronting approximately 560 feet on the south line of Midlothian Turnpike, east of Charter Colony Parkway. Tax ID 727-708-5604 (Sheet 5).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, stated the applicant's revisions to the architectural style had created a stronger development for the Village; however, she expressed concerns relative to the orientation of the gas pumps for the Wawa building and asked that the applicant consider reorienting the building so the pumps would not be visible to Midlothian Turnpike.

In response to questions from Mr. Gecker, Mr. Theobald discussed and displayed architectural elevations/renderings that he stated depicted compliance with the architectural requirements of the zoning request, noting the style and quality of the buildings were similar to that exemplified in Sycamore Square and Midlothian Station shopping centers.

Mr. John Morris, representing the property owners; stated his clients had a substantial financial investment in the proposed development and asked the Commission to consider approval of the site plan as the proposed use was appropriate for the site, all issues had been resolved and the developer was in compliance with the Zoning Ordinance as well as the condition of zoning as it pertained to architectural style.

Mr. Theobald submitted a copy of the original Master Plan which he stated depicted the location/orientation of the gas pumps facing Midlothian Turnpike, as requested by Wawa.

Mr. Litton cited the last minute submittal of the Master Plan, asking Mr. Theobald if he would accept a thirty (30) day defer to allow staff, the Commission and concerned citizens an opportunity to review the document.

In response to a question from Mr. Gecker, Mr. Theobald indicated deferral, on the Commission's motion, to the April 21, 2005, Planning Commission meeting was acceptable.

There being no one else to speak, Mr. Litton closed the public comment.

The following motion was made at the Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 05PR0268, Commercial Land Development (Midlothian Village Square), to the April 21, 2005, Planning Commission meeting at 7:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PS0315: In Midlothian Magisterial District, **SMITH PACKET MED-COM INC.** requested schematic plan approval for a mixed use project for a continuous care facility for the elderly. This project is commonly known as **THE CROSSINGS AT BON AIR**. This request lies in Residential (R-7) and Community Business (C-3) Districts on three (3) parcels totaling 17.6 acres fronting approximately 250 feet on the north line of Midlothian Turnpike, also fronting approximately 425 feet on the east line of North Pinetta Drive, also fronting approximately 600 feet on Powhite Parkway. Tax IDs 754-705-5275 and 754-706-2911 and 4831 (Sheets 6 and 7).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that approval of the schematic plan for a proposed mixed use development for Case 05PS0315, Smith Packett Med-Com Inc. (The Crossings at Bon Air), shall be and it thereby was granted.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PW0287: In Matoaca Magisterial District, **CARROLL FOSTER, INC.** requested Planning Commission approval of a development standards waiver to requirements for screening of outside storage. This project is commonly known as **FOSTER HULL STREET EXPANSION**. This request lies in a General Business (C-5) District on a six (6) acre parcel fronting approximately 380 feet on the north line of Hull Street Road, east of Baldwin Creek Road and better known as 16800 Hull Street Road. Tax ID 708-668-4230 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including modification of the condition as outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission found Case 05PW0287, Carroll Foster, Inc. (Foster Hull Street Expansion), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-575 of the Zoning Ordinance requiring screening of outside storage areas, subject to the following condition:

CONDITION

A continuous evergreen hedgerow, using species that mature as large shrubs or trees, shall be planted with the existing vegetation as approved by the Planning Department to minimize the visibility of the proposed storage yard from view of Hull Street Road.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN - DEVELOPMENT STANDARDS WAIVER.**

05PW0281: In Midlothian Magisterial District, **THE GREAT BIG GREENHOUSE** requested Planning Commission approval to extend a development standards waiver requiring paving and curb and gutter for a parking lot for an additional period of two (2) years. This project is commonly known as **THE GREAT BIG GREENHOUSE**. This request lies in a Community Business (C-3) District on a 9.31 acre parcel lying approximately 500 feet south of the intersection of Robious and West Huguenot Roads. Tax ID 740-713-9395 (Sheets 2 and 6).

Mr. Allen presented an overview of the request and staff's recommendation for denial.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the owners were requesting an extension to the previously granted development standards waiver as they were still determining what the best use of the area would be, given their current and projected business growth. He added the owners would like to continue utilizing their Phase II parking area for employee and overflow parking, noting that the parking would be temporarily used during peak season times while remaining empty during off season times. He stated the applicants had indicated to him this request for an additional two (2) year extension to the waiver would be their last request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission found Case 05PW0281, The Great Big Greenhouse (The Great Big Greenhouse), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver for an additional two (2) years to Section 19-514 of the Zoning Ordinance requiring paving and curb and gutter requirements for a parking lot.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

At approximately 3:42 p. m., it was on motion of Mr. Wilson, seconded by Mr. Litton, that the Commission adjourned the Work Session, agreeing to meet at 5:00 p. m. for dinner at John Howlett's Tavern.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Tompkins led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for upcoming months, noting the May 17th agenda was comprised of thirteen (13) cases, the June 21st agenda was comprised of fifteen (15) cases, the July 19th agenda was comprised of fifteen (15) cases and the August 16th agenda was comprised of four (4) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR DEFERRAL BY APPLICANT.**

05SN0102: In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to August 16, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies on 22.0 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road, fronting approximately 1,800 feet on the west line of the CSX Railroad intersecting with both Route 288 and Old Lane and fronting approximately 575 feet on the south line of Route 288 approximately 540 feet east of Hopkins Road. Tax IDs 786-666-3851 and 786-667-3619 (Sheets 18 and 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the August 16, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0102 to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0181: In Bermuda Magisterial District, **JOHN W. ROBERTS** requested rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5). The density of such

amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies on 7.0 acres fronting approximately 900 feet on the northwest line of Woods Edge Road across from Walthall Industrial Parkway. Tax ID 802-637-3630 (Sheet 35).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0181 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval, forty-five (45) feet of right of way along the north side of Woods Edge Road, measured from the centerline of that part of Woods Edge Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
2. Direct access from the property to Woods Edge Road shall be limited to one (1) entrance/exit generally located towards the western part of the property. The Transportation Department may modify this condition to allow one (1) additional entrance/exit to Woods Edge Road, generally located at the eastern property line. This additional entrance/exit shall only be permitted if, among other things, the westernmost access that serves Bethesda Baptist Church (Tax ID 802-637-5658) is closed as determined by the Transportation Department. The exact location of these entrances/exits shall be determined by the Transportation Department. (T)
3. Prior to the issuance of an occupancy permit, the Owner/Developer shall be responsible for the construction of additional pavement along Woods Edge Road at each approved access to provide right and left turn lanes, based on Transportation Department standards. The Owner/Developer shall dedicate, free and unrestricted, to and for the benefit of the County of Chesterfield, any additional right-of-way (or easements) required for the improvements identified above. (T)
4. The public wastewater system shall be used. (U)
5. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been issued by the Environmental Engineering Department and the approved devices installed. (EE)
6. Permitted uses shall be limited to the following:
 - a. Hotels
 - b. Uses permitted by right in the Light Industrial (I-1) District
 - c. Two (2) restaurants, only one (1) of which may be a fast food restaurant

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **COMPREHENSIVE PLAN AMENDMENT.**

◆ **THE CHESTER PLAN.**



The Chester Plan, an amendment to the Chester Village Plan, the Central Area Plan and the Thoroughfare Plan, parts of The Plan For Chesterfield, as the Plan relates to Chester and the surrounding area of the County. The Chester Plan area is generally bounded: by Route 288 to the north; Happy Hill and Baldwin Roads to the south; Branders Bridge Road to the southwest; Jefferson Davis Highway to the east; and Chalkley, Centralia and Hopkins Roads to the west and northwest. The Chester Plan, if adopted by the Board of Supervisors, will become part of The Plan For Chesterfield, the County's Comprehensive Plan. The Plan For Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. Once the Chester Plan is adopted, it will replace the existing Chester Village Plan (adopted in 1989) and two (2) small areas of the Central Area Plan (adopted in 1997). The Plan area is almost entirely contained within the Bermuda Magisterial District, with a small portion of the Plan area (north of Centralia Road) located in the Dale Magisterial District. The Plan does not rezone land, but suggests Ordinance Amendments and other actions. Major land use recommendations include a decrease in residential density in the Centralia area and in the outer portions of the study area, a limitation on new multifamily development and the addition of transitional uses between commercial and residential areas. Other major recommendations include: encouraging new residential zoning with sole access through an existing or planned subdivision to meet or exceed the average lot size of, and have a density equal to or less than, the existing subdivision; allowing adaptive reuse of historic structures that is compatible with existing and anticipated area development; implementation of a pedestrian network that includes sidewalks and trails by requiring their construction with new development and constructing them with road projects; supporting the use of enhanced crosswalks; adoption of design guidelines for the Route 10 Corridor; adoption of a mandatory Water and Wastewater Ordinance for the area; and transportation recommendations including: (1) the reduction of West Hundred Road from a ninety (90) foot wide Major Arterial to a seventy (70) foot wide Collector between Branders Bridge Road and Route 10; (2) the deletion of the proposed Collector from Centralia Road south to the proposed North/South Arterial that is within the County-owned 100 foot wide right of way along the old Seaboard Coast Line railroad; and (3) the deletion of the proposed Major Arterial ("Hopkins Road Realigned") from just south of the Route 288 overpass to Chester Road across from Hamlin Creek Parkway.



Ms. Carter presented an overview of the proposed Chester Plan, including Plan goals and recommendations and denoting a change by staff to the Plan deleting the associated zoning classifications from the residential land use categories; suggested text modifications requested by the District Commissioner; land use maps depicting the area Plan geography, including Planning Commission requested modifications; and a land use map depicting the Central Area Plan amendment which depicted deletion of the two (2) areas added to the Chester Plan geography.

Mr. Mark Fausz, representing the Chester Community Association, expressed appreciation for the opportunity to have been involved in the Plan development but expressed concerns relative to map notes suggesting more intense residential uses, such as age-restricted townhouses and zero-lot line developments or alternative residential development other than single family residential, may be appropriate for the designated areas. He stated while he felt all issues had not been addressed, the Plan overall was a workable one.

Mr. Jim Daniels, a member of the Chester Community Association, but speaking on his own behalf, expressed concerns relative to a requirement for public water and wastewater facilities parcel specific land use plans and setbacks for development from the proposed North-South Arterial.

Mr. Tom Tinnell, a Centralia Road resident, expressed concerns that the area west of the railroad tracks not be commercialized; that area residents did not want Centralia/Chalkley Roads to become another Route 10, burdened with increased, congested traffic volumes; and that a few area property owners wanted to rezone their property to the Residential (R-88) District zoning classification to minimize housing density in the area.

Ms. Phyllis Bass, a Chester resident, stated she had been a member of the original committee that developed the Chester Village Plan. She read County publications that emphasized the importance of maintaining village character; expressed concern regarding approval of development that did not comply with the existing Plan; and stated she was not assured the new Plan guidelines would be followed.

There being no one else to speak, Mr. Litton closed the public hearing at approximately 7:31 p. m.

Mr. Wilson commended staff and expressed appreciation to all those involved for their diligent efforts in bringing the Plan forward; acknowledged the comments/concerns of those addressing the Plan which he stated he wished to review further; stated he intended to defer the proposed Plan to the May 17, 2005, meeting but not reopen the public hearing at that time; and asked that staff provide revised/new information to the public next week.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer the Chester Plan to the May 17, 2005, Planning Commission meeting at 7:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CODE AMENDMENTS.**

◆ **HOME OCCUPATIONS.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended by amending and re-enacting Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301 and 19-510. In Section 19-301, the definition of home occupation will be amended to delete the specific listed restrictions and to prohibit dance studios, motor vehicle repair, motor vehicle painting or body work, motor vehicle detailing, private clubs and trash collection as home occupations. Section 19-510 will be amended to delete truck

parking uses in R, R-TH, MH and R-MF Districts. The remaining referenced sections will be amended (1) to create a restricted use for parking commercial trucks, commercial vehicles, public service vehicles, school buses and tow vehicles, to increase the allowable weight of such vehicles and to create additional restrictions for tow vehicle parking; and (2) to move home occupations from accessory to restricted uses and amend the restrictions on the home occupations use to permit non-family member employees, to permit certain external alterations, to allow some commodity storage, to restrict equipment storage, to restrict tow vehicle parking related to a home occupation and to restrict the number of clients on the property at one time.



Mr. Janosik presented an overview of the proposed Code Amendment, outlining suggested modifications and addressing other issues of concern.

Mr. Litton opened the discussion for public comment.

Mr. Steve Boles, a resident of Kilrenny Road, voiced opposition to the proposal, citing concerns relative to noise; impaired visibility and parking space limitations along residential streets created by the large vehicles; the hours of operation; and the visual appearance of the towing vehicles detracting from the community and impacting property values.

Mr. Ray Cullop, Ray's Wrecker, Inc., supported the proposed Code Amendment but expressed concerns relative to tow vehicle weight restrictions.

There being no one else to speak, Mr. Litton closed the public hearing.

There was discussion relative to the definition of "employees" being permitted to work on the premises; tow vehicle weight restrictions; the type and length of trailers permitted to be used in conjunction with a home occupation business; and other concerns

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer action on the proposed Code Amendment relative to Home Occupations to the April 21, 2005, Special Planning Commission meeting to allow staff to research, clarify and provide additional information.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **OFF-SITE DIRECTIONAL SIGNS.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-635, 19-636, and 19-637 of the Zoning Ordinance. This would amend: (1) offsite directional sign regulations by restricting their use along certain roadways, requiring that they be located outside of public rights of way and allowing group care facilities and meeting or convention halls over 10,000 square feet to use these signs; (2) community identification sign regulations to ensure that a sign permit is required.



Mr. Allen presented an overview of the proposed Code Amendment relative to off-site directional signs and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 19-635, 19-636 and 19-637 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 19-635. Signs not requiring permits.

The following signs may be erected without a sign permit, so long as they comply with the regulations in this chapter:

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- (f) Signs in public rights-of-way if approved by the Virginia Department of Transportation and limited to:
 - (1) Signs posted by or on behalf of a government body.
 - (2) Signs which direct or regulate pedestrian or vehicular traffic.
 - (3) Bus stop signs posted by a public company or a government.
 - (4) Information signs of a public utility regarding its poles, lines, pipes or facilities.
 - ~~(5) Community identification signs located in the median of an entrance road within a nonresidential community, residential community or mixed use community.~~
 - ~~(6) Any offsite signs permitted by this chapter.~~

Sec. 19-636. Sign design and setback requirements.

(a) With the exception of signs permitted to be placed in the right-of-way pursuant to sections 19-635(f), ~~and 19-636(e), and 19-637(h)~~, all signs, including directional signs, shall be set back a minimum of 15 feet from all property lines, unless a greater setback is specified by conditions of zoning, approved site or subdivision plans, or by this chapter.

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Sec. 19-637. Limitation on specific signs.

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(d) Offsite directional signs ~~for a church, school, hospital, park, library, scenic area, historic area, train station or airport~~ are limited to seven square feet in area and seven feet in total height, and are limited to the following uses: churches, schools, hospitals, parks, libraries, scenic areas, historic areas, train stations, airports, group care facilities, and meeting or convention halls which exceed 10,000 square feet.

Offsite directional signs are not permitted for facilities with entrances on an arterial that is constructed with four or more lanes. No more than one sign pertaining to identifying a single place is allowed along any one street. However, on roads designated as a major arterial on the comprehensive plan and constructed as a with four or more lanes road, two directional signs may be erected provided there is not more than one on each side of the road.

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(h) Residential community identification signs. One such sign shall be permitted for each separate street entrance to the community. One such sign shall be permitted on each side of an entrance if both signs are attached to a decorative fence/wall. The sign area allowed is 20 square feet for each 200 dwelling units in subdivisions or residential communities with a guaranteed minimum of 32 square feet and a maximum of 100 square feet. Such signs must be no more than 15 feet in height unless located in a village district, in which case height is limited to seven feet. These signs may be located within the public right of way, if approved by the Virginia Department of Transportation, and located within the median strip of the entrance.

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(v) Non residential or mixed use community identification signs may be located within the public right of way, if approved by the Virginia Department of Transportation, and located within the median strip of the entrance.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **RESTRICTIONS ON RECORDATION AND SALE OF SUBDIVISIONS.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 17-5 of the Subdivision Ordinance. This amendment would clarify the Subdivision Ordinance by creating a cross-reference in Section 17-5 (which restricts the recordation, transfer and sale of subdivisions) to the availability in Section 17-44 of an exception to the restrictions set forth in Section 17-5.

◆ ◆ ◆

Mr. Tompkins presented an overview of the proposed Code Amendment relative to restrictions on recordation and sale of subdivisions and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 17-5 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 17-5. Transfer or sale without approved plat prohibited.

No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this chapter of the Code. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the planning commission or director of planning, except as provided for in section 17-44. No person shall sell or transfer any lot or parcel of an unrecorded subdivision, before a plat has been duly approved and recorded in the circuit court clerk's office.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.

04SN0207: In Matoaca Magisterial District, **DART II LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 302.6 acres fronting approximately 1,400 feet on the east line of Otterdale Road approximately 680 feet north of Woolridge Road, also fronting in two (2) places for approximately 2,250 feet on the north line of Woolridge Road approximately 1,400 feet east of Otterdale Road. Tax IDs 708-675-1560; 708-677-8911; 709-675-6985; 709-676-0702, 5333, 6590 and 9324; 709-677-2520, 3264 and 3406; 709-678-5743; 710-676-0704 and 1579; 710-677-3873; 710-678-Part of 7575; 711-677-9367; 711-678-4858; 711-679-6522; and 712-679-2887 (Sheet 15).

Ms. Orr presented an overview of the request and staff's recommendation for approval subject to the applicant addressing concerns relative to the location of the commercial node, the focal point acreage and garage orientation. She also referenced an Addendum denoting a revision to Textual Statement IV.A.3.e. relative to density of commercial uses to correct a typographical error.

Mr. Andy Scherzer, the applicant's representative, addressed concerns relative to the location of the commercial node, the focal point acreage and garage orientation, noting the applicant envisioned this project to be part of the solution, not the problem, to area infrastructure needs and intended to provide a quality development with significant road improvements that would be beneficial to the entire area.

Mr. Litton opened the discussion for public comment.

Mr. David Webb, President of the Foxfire Association; Mr. Ted Lusch, a Moseley resident; Ms. Kitty Snow, an area resident; and Ms. Marlene Durfee, Director of the Task Force for Responsible Growth, voiced opposition to the request, citing concerns relative to inadequate infrastructure to accommodate capital facilities needs generated by the development; increased traffic volumes, congested traffic patterns and access to Woolridge and Otterdale Roads; the cumulative impact this and other developments would have on the character and quality of life in the community; density; the area being overburdened/overwhelmed with development; and requested the Commission defer the request to allow additional time to further, and more thoroughly, review the proposal or to deny the request in its entirety.

In rebuttal, Mr. Scherzer addressed the previously expressed concerns, stating he was sympathetic to the citizens' concerns but cited a quality development with significant road improvements being provided by the developer. He further noted the application was submitted prior to the Board of Supervisor's February 11, 2004, delay of residential zoning requests.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Gulley stated he felt the developer would provide a quality development; however, the lack of adequate area infrastructure would result in traffic problems and he could not support the request.

Mr. Bass stated he was aware the request was filed prior to the Board of Supervisor's February 11, 2004, delay of residential zoning requests; however, he felt there were still some issues to be resolved. He stated the developer had the right to develop his property and area residents had the right to speak out in opposition to development and had the right to live in a safe environment. He stated road construction costs were substantial; that it appeared little or no financial assistance would be forthcoming from the State to address these needs; that the County needed to decide whether or not to continue allowing development with insufficient infrastructure; and, based upon the impact this development would have on area road networks and the traffic volume problems it would generate, he could not support the request.

Mr. Bass made a motion to deny Case 04SN0207. Mr. Gulley seconded his motion.

A vote on the motion was as follows:

AYES: Messrs. Gulley and Bass.
NAYS: Messrs. Litton, Wilson and Gecker.

Mr. Wilson stated he understood the infrastructure challenges in the Upper Swift Creek area; however, he felt it would be a mistake to not approve the request as the applicant had recognized/addressed the concerns/challenges of infrastructure needs that would be generated by this development.

Mr. Gecker stated it was not within the purview of the Commission to defer residential zoning requests within the parameters set forth by the February 11, 2004, Board of Supervisor's action; and not only did the applicant's request comply with the area Plan, the applicant had also addressed infrastructure needs relative to transportation requirements/improvements.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 04SN0207 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Master Plan. The Textual Statement dated October 26, 2004, and revised April 4, 2005, shall be considered the Master Plan. (P)
2. Buffers. All required buffers shall be located within recorded open space except for buffers required in Tract D. (P)

3. Density. The maximum density of this development shall not exceed two (2) dwelling units per acre. A minimum of sixty-one (61) lots shall conform to the requirements for Single Family A, as described herein; a maximum of 181 lots shall conform to the requirements for Single Family B, as described herein; a maximum of 151 lots shall conform to the requirements for Single Family C, as described herein; a maximum of 151 lots shall conform to the requirements for Single Family D, as described herein; and a maximum of 150 lots shall conform to the requirements for Single Family E lots shall be permitted. (P)
4. Foundations. All exposed portions of the foundation and exposed piers supporting front porches of each dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
5. Utilities. Public water and wastewater systems shall be used. (U)
6. Senior Housing. Any dwelling units designated for senior housing as outlined in Proffered Condition 7.B. shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
7. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - A. Prior to the issuance of a building permit for each dwelling unit other than age restricted dwelling units defined in Proffered Condition 7.B., the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$11,500.00 per dwelling unit;
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - B. Prior to the issuance of a building permit for each dwelling unit that is designated for senior housing, the units of which shall meet the requirements for "age 55 or over" housing as set forth in section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304, and are subject to the occupancy requirement that no person under the age of 19 shall reside in such unit. The applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$5,991.00 per dwelling unit. At time of payment \$5,991.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$4,380.00 for roads, and \$423.00 for fire stations; or

- ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$5,991.00 per dwelling unit pro-rated as set forth in Proffered Condition 7.B.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- C. At the option of the Transportation Department exercised pursuant to Proffered Condition 14 below, and in lieu of the amounts set forth in Proffered Condition 7.A. above, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements (excluding the road component) within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$7,120.00 per dwelling unit. At time of payment \$7,120.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$5,509.00 for schools, and \$423.00 for fire stations; or
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$7,120.00 per dwelling unit pro-rated as set forth in Proffered Condition 7.C.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- D. At the option of the Transportation Department exercised pursuant to Proffered Condition 14 below, and in lieu of the amounts set forth in Proffered Condition 7.B. above, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements (excluding the road component) within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$1,611.00 per dwelling unit. At time of payment \$1,611.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, and \$423.00 for fire stations; or
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$1,611.00 per dwelling unit pro-rated as set forth in Proffered Condition 7.D.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- E. At the option of the Transportation Department the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Conditions 7.A. and 7.B. above, exclusive of those road improvements identified in

Proffered Condition 12, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.

- F. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
 - G. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)
8. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Swift Creek Watershed Protection. The developer shall leave in place temporary sediment control devices and/or construct new BMP's or combinations of BMP's, which would achieve a maximum phosphorous runoff limit from the property of 0.22 pounds per acre per year until the permit for construction of the initial facility contained in the Upper Swift Creek Watershed Plan is issued. The existing ponds on the property may be utilized for SWM/BMP purposes. (EE)
10. Access
- a. Direct access from the property to Woolridge Road and to Otterdale Road shall be limited to one (1) public road onto each road. The exact location of these accesses shall be approved by the Transportation Department.
 - b. Initial access for development of the property shall be provided directly to Woolridge Road or to Woolridge Road via proposed Swift Fox Drive, located on the adjacent parcel to the east identified as Tax ID 713-679-0553.
 - c. No access shall be permitted to or from the property to Woolridge Road via the existing fifty (50) foot wide right of way located along the eastern boundary of the parcel identified as Tax ID 710-677-7701. (T)
11. Right of Way Dedication. In conjunction with the recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, forty-five (45) feet of right of way on the north side of Woolridge Road, measured from the centerline of that part of Woolridge Road immediately adjacent to the property, and forty-five (45) feet of right of way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
12. Road Improvements. To provide an adequate roadway system at the time of complete development, the developer shall be responsible for the following:

- a. Construction of additional pavement along Woolridge Road at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Construction of additional pavement along Otterdale Road at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - c. Construction of additional pavement along Woolridge Road at the proposed Swift Fox Drive intersection, located on the adjacent parcel identified as Tax ID 713-679-0553, to provide a left turn lane, if warranted, based on Transportation Department standards;
 - d. Widening/improving the north side of Woolridge Road and the east side of Otterdale Road to an eleven (11) foot wide travel lane, measured from the existing centerline of each road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the roads with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage;
 - e. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
13. Phasing Plan. Prior to any construction plan approval or prior to any site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 12, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that in conjunction with any development with any access to Woolridge Road as described in Proffered Condition 10.b., all the road improvements along Woolridge Road, as identified in Proffered Condition 12.d. shall be completed as determined by the Transportation Department. In addition, the approved phasing plan shall require, among other things, that in conjunction with any development with any access to Otterdale Road, all the road improvements along Otterdale Road, as identified in Proffered Condition 12.d. shall be completed as determined by the Transportation Department. (T)

14. Transportation Contribution. At the option of the Transportation Department, the applicant, his successor(s), or assignee(s) (the "Applicant") shall comply with the obligations of Proffered Conditions 7.C. or 7.D. and, also shall pay to the County of Chesterfield: 1) prior to recordation of the initial subdivision section or prior to any site plan approval for any dwelling unit, whichever occurs first, the amount of \$657,000; and 2) prior to recordation of a subdivision section or prior to a site plan approval for any dwelling unit, whichever occurs first, that would result in more than a cumulative total of 150 dwelling units on the property the amount of \$657,000; and 3), prior to recordation of each subdivision section and prior to each site plan approval, for any dwelling unit, that would be in excess of a cumulative total of 300 dwelling units on the property, the amount of the road component of the cash proffer as defined in Proffered Condition 7.B. multiplied by the total number of lots or dwelling units shown on each approved final check plat and on each proposed site plan. The payments shall be used for road improvements within Traffic Shed 6 or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department. The payments could be used towards road improvements to Woolridge Road and/or Otterdale Road.

If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 12, to Woolridge Road and/or Otterdale Road, then the cash proffer payment(s) for the road component as set forth in Proffered Condition 14 shall be reduced so long as the cost to construct the Improvements is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in Proffered Condition 14 as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit amount. (T)

15. Trail. The developer shall provide a trail along the length of Blackman Creek and Deep Creek from the northeastern to southwestern parcel boundaries. The exact length, width and treatment of the trail shall be approved by the Parks and Recreation Department. The trail shall be dedicated to the county or an easement granted to the county, or shall be owned and maintained by the Homeowners Association. (P&R)
16. Open Space. A minimum of fifteen (15) percent of the total open space required by the Zoning Ordinance Section 19-14(c)(2), shall be exclusive of the Resource Protection Area located along Blackman Creek and Deep Creek. (P)
17. Sole Access. All residential lots having sole access through Foxfield Subdivision shall have an average area of not less than 20,500 square feet. Such lots shall not exceed density of 1.45 units per acre. (P)

18. Except as provided herein, if requested by any County fire or safety agency or by any non-commercial fire and/or rescue squad station located within the county which could be served by the existing communication tower, the owner shall permit such agency or station to install its communications equipment on the tower without charge. Notwithstanding the foregoing, the owner shall not be required to provide such space to such agency or station if the owner submits an engineering study confirming that (i) the tower cannot structurally support the agency's or station's equipment, taking into account existing equipment on the tower, equipment that the owner is committed to install on the tower, and other relevant factors, including space on the ground for equipment that supports tower-mounted equipment, or (ii) the tower cannot accommodate the agency's or station's equipment because of technical constraints due to potential frequency interference between the agency's or station's equipment and equipment installed or to be installed on the tower. (P)
19. Restrictive Covenants. The following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat or prior to any site plan approval, which ever occurs first:
- a. Design Guidelines - A Design Guidelines Manual shall be created for any areas to be developed with a neotraditional design as defined in the Textual Statement. The "Design Guidelines Manual" shall include but not be limited to the following development criteria:
- Architectural controls
 - Garage locations
 - Recreational amenities
 - Mailboxes
 - Street and External Lighting
 - Street Trees
 - Landscaping
 - Streetscapes
 - Fencing
 - Building locations / Yard Requirements
 - Driveways
- b. Architectural Board – The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate application and review procedures, all as part of the design and developmental standards. The Architectural Board shall incorporate the "Design Standards Manual", as described below in its review and approval of all applications submitted. Copies of the "Design Guidelines Manual" shall be available from the Architectural Board for review and use by owners, builders and/or developers. The guidelines and procedures shall be those of the Association, and the Architectural Board shall have sole and full authority to prepare and to amend the standards available to owners, builders, and developers only under extreme circumstances or hardships. Such circumstances or hardships

shall be clearly demonstrated to be considered for amendment. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors shall appoint all members of the Architectural Board. At no time shall the Architectural Board have fewer than three members nor more than five (5) members. The declarant may, at his option, delegate to the Board of Directors its right to appoint one or more members of the Architectural Board. At all times, at least one (1) member of the Architectural Board shall be a member of the Association, and at least one (1) member shall be an architect licensed to practice in the State of Virginia. It is intended for the Architectural Board to maintain the character and integrity of the development.

- c. Signs – No signs shall be erected or maintained on any residential property by anyone including, but not limited to, the owner, a contractor, or a subcontractor, except as provided for in the “Development Guidelines Manual” or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association. Realtor signs “For Sale” may be erected and are subject to review of the Declarant or Architectural Board.
- d. Condition of Ground – It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on his lot. All improvements on each lot shall be kept in good repair, and where necessary, painted in a regular basis. No portion of the property shall be used or maintained as a dumping ground for rubbish. Outdoor burning of leaves, trash, or other debris shall not be permitted. All trash, garbage, and other waste shall be kept in sanitary containers, which shall be surrounded by a wood or vinyl screen with such screening to be approved by the ARC, or otherwise out of sight from the street.
- e. Snow and Ice Removal –Each property owner shall be required to perform snow and ice removal from sidewalks that are on/or adjacent to their property.
- f. Residential Use – All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the side and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building and approved by the Board.

1. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.
- g. Exterior Structure Completion – The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonable clean and uncluttered condition.
- h. Screened Areas – Each builder shall provide a screened area to serve as a service yard and an area in which garbage receptacles, fuel tanks, similar storage receptacles, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects must be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance, and location must be in accordance with the "Design Standards Manual" and approved by the Architectural Board prior to construction. Garbage receptacles and fuel tanks may be located outside of such screened area only if located underground.
- i. Vehicle Storage – No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.
- j. Temporary Structures – No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.
- k. Antennas – No television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot, except as permitted by applicable law and except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Association for permission to install a television antenna and such permission shall not be unreasonably withheld.

- l. Further Subdivision – No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of the paragraph shall not prohibit the combining of two (2) or more continuous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.
- m. Animals – Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any residential lot. After giving a lot owner written notice of complaint and reasonable opportunity to remedy the situation, the Board of Directors may order the removal of any pet, which has been a nuisance or a danger.
- n. Motor Bikes All Terrain Vehicles – No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, pathways, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.
- o. Swimming Pools – No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.
- p. Rules and Regulations – The Board of Directors is granted and shall have the power to promulgate rules and regulations, from time to time, governing the use of and activity upon the Common Area and the Recreational Facilities (if the Recreational Facilities are owned or leased by the Association). All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least thirty (30) days prior to their effective date.
- q. Enforcement – The Board of Directors reserves the right to correct any situation, on any lot that violates the deed restrictions herein. The Board shall provide written notice to the owner in violation a minimum of thirty (30) days prior to any action to be taken by the Board. The Board shall have the right to correct the violation and collect reimbursement from the owner of the lot requiring action. If

payment is not made or arranged for within thirty (30) days of the Boards request, the Board reserves the right to place a lien on said property or take any appropriate legal action necessary. (P)

AYES: Messrs. Litton, Wilson and Gecker.
NAYS: Messrs. Gulley and Bass.

05SN0185: In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT** requested rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 35.1 acres fronting approximately 1,100 feet on the south line of Midlothian Turnpike, also fronting in two (2) places for a total of approximately 450 feet on the west line of Otterdale Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 720-709-6011 and 721-709-2704 and 3240 (Sheet 5).

Ms. Orr presented an overview of the request and staff's recommendation, noting that based on the applicant's submittal of revisions to Proffered Condition 9 relative to road improvements, which she referenced in the Addendum, staff had revised its recommendation from denial, as stated in the "Request Analysis," to approval provided that the motor vehicle wash proposed within the area designated as "Commercial" on the Master Plan was not accepted as a permitted use (Proffered Condition 2.A.10.).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation with the exception that the motor vehicle wash proposed within the area designated as "Commercial" on the Master Plan not be accepted as a permitted use, noting the various types of users that were anticipated to be located on the site and that the industrial users requested the motor vehicle wash use be provided as a convenience to the site and adjacent users. He stated the development was not a speculative venture; that he believed the development was in compliance with the land use plan and presented a significant economic development opportunity for the County and its citizens; and asked the Commission to consider forwarding a favorable recommendation to the Board of Supervisors.

In response to a question from Mr. Bass, Mr. Theobald stated potential clients/users had been identified and were in the process of negotiations for and signing of leases.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker stated there was no doubt that he would like to have, as the Plan described, a "Light Industrial Gateway" to the County in his district; however, he felt there were still certain elements of this request relative to transportation concerns that needed to be resolved. He stated he had met a number of times with the applicant and his representative and felt they were close to resolution; however, he was disappointed that Mr. Theobald, on behalf of his client, declined to continue working on, in particular, the transportation issues for this case. He cited modifications to the development's alignment that resulted in the designation of a special access road and setback reduced to ten (10) feet being inappropriate and not allowing the type of development desired in this portion of Midlothian and expressed concern that there was no mention by the applicant's representative of a health club, a hotel, a bank, a convenience store, and other uses, planned for the development which, to him, were not just support uses for light industrial

development but rather commercial uses planned for this particular piece of property which was designated on the Plan for industrial use. He stated he desired to have economic development occur in the area but he was unwilling to compromise in this fashion and, therefore, recommended denial of the case.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend denial of Case 05SN0185.

In response to questions from Messrs. Gecker and Litton, Mr. McCracken addressed transportation concerns relative to alignment, right of way dedication, sight distance and signalization, noting that when discussions began with the developer; the east/west road had not been dedicated; however, with the construction of Route 288 and the service road provided, as part of the Route 288 development, the right of way became fixed.

Mr. Bass stated he felt failure to recommend approval of the request would result in a missed economic development opportunity for the County.

Mr. Litton stated it appeared to him that the road could have been moved south which would have left more property along the frontage for development and would not have had any detrimental impact to the development. He stated he intended to support Mr. Gecker's motion; however he hoped the concerned parties could reach an acceptable resolution prior to the request being considered by the Board of Supervisors.

AYES: Messrs. Litton, Wilson, Gulley and Gecker.

NAY: Mr. Bass.

F. ADJOURNMENT.

Prior to adjournment, Mr. Gecker acknowledge Mr. Brian Johnson who was leaving County employment; expressed appreciation to him for the flawless manner in which he had provided audio/visual support to the meetings; and wished him well in his future endeavors.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the meeting adjourned at approximately 9:26 p. m. to April 21, 2005, at 7:00 p. m., in the Public Meeting Room of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date